

FILED

UNITED STATES DISTRICT COURT NOV 18 2022
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

Clerk, U. S. District Court
Eastern District of Tennessee
At Knoxville

IN THE MATTER OF THE SEARCH OF:
THE APPLE MACBOOK AIR COMPUTER
BELONGING TO KNOX COUNTY SCHOOLS
WITH TAG TI31801 AND THE SAMSUNG
S22 ULTRA CELLPHONE BELONGING TO
ZACHARIA ALBABA CURRENTLY
STORED AT KPD ICAC, 917 E 5TH AVENUE,
KNOXVILLE, TENNESSEE 37915.

Case No. 3:22-MJ- 1218

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

Your affiant, Thomas Evans, an Investigator with the Knoxville Police Department (KPD) Internet Crimes against Children (ICAC) Task Force and being a Task Force Officer with the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) being duly sworn, deposes and states the following:

1. Your affiant has been employed with the KPD since January 22, 1996. Your affiant has been assigned to the Knoxville Police Department's Internet Crimes Against Children Task Force (KPD-ICAC) as a computer examiner and undercover online investigator for the past twenty-two years. The KPD-ICAC Task Force is responsible for investigating and enforcing federal criminal statutes involving the sexual exploitation of children under Title 18, United States Code, Chapter 110, including, without limitation, section 2251(a), 2252A(a)(5)(B) and 2422(b).

2. Your affiant has acquired experience in these matters through specialized training and everyday work related to these types of investigations. Your affiant has completed the following training:

1996 Knoxville Police Department Training Academy Recruit Class A.

1997 Childhelp USA's Professional Training Conference.

1999 Protecting Children On-line provided by Fox Valley Technical College Criminal Justice Department, Appleton Wisconsin.

2000 Advanced Protecting Children On-line provided by Fox Valley Technical College, Criminal Justice Department.

2000 National Consortium of Justice Information and Statistics Training directed toward on-line investigation, tracking offenders and data recovery.

2000 40-hour course in the National White Collar Crime Data Recovery and Analysis.

2000 40-hour Internship with the Dallas Police Department's Internet Crimes Against Children Task Force.

40-hour internship with the Maryland State Police in October 2000 focusing on forensic software use in recovering computer-based evidence.

2001 Basic Class on EnCase computer forensic software.

2001 National Internet Crimes Against Children Training Conference in New Orleans focusing on the use of computer forensic utilities in evidence collection and Online Investigative Techniques.

2002 Crimes Against Children Conference in Dallas, TX focusing on online investigative techniques and computer forensic data recovery.

40-hour EnCase Intermediate Analysis and Reporting training in Sterling, VA April 2003.

2004 Silicon Valley ICAC Task Force Conference in San Jose, Ca with focus on online investigations and best computer forensic practices.

2004 Crimes Against Children Conference in Dallas, TX with emphasis on online investigative techniques and data recovery.

December 2004 ICAC Investigative Techniques course in Knoxville, TN focusing on updated investigative techniques in online undercover operations.

March 2005 EnCase Intermediate Analysis and Reporting course for computer examiners in Sterling, VA.

May 2005 International Association of Computer Investigative Specialist 80-hour Forensic Computer Examiner Training Program in Orlando, FL.

Recognized in April 2005 by the International Association of Computer Investigative Specialists as a Certified Electronic Evidence Collection Specialist.

2005 National ICAC Conference in Dallas, TX focusing on characteristics of the Internet offender and online undercover operations.

Knoxville Police Department Basic Investigator Class January 30- February 3, 2006.

2006 National Crimes Against Children Conference in Dallas, TX focusing on online undercover Investigative Techniques.

December 2006 FTK Boot camp held at Pellissippi State Technical College for computer forensic training using the Access Data Ultimate Toolkit software package.

January 2007 Internet Crimes Against Children Task Force Operation Peer Precision Training in Tallahassee FL focusing on online undercover Peer-to-Peer investigations.

June 12, 2008 F.B.I. CART ImageScan training concentrating on the use of the ImageScan System for secure computer previews and data recovery.

April 11- May 14th 2010 United States Secret Service BCERT Computer Forensic training Hoover, AL.

January 2011 assigned to the United States Secret Service Electronic Crimes Task Force for East Tennessee.

February 21-23rd 2012 Tennessee ICAC Training conference in Nashville, TN focusing on cell phone investigations, human trafficking, undercover P2P investigations (instructed), and open-source computer forensic tools.

USDOJ 2012 National Law Enforcement Training Conference in Atlanta GA April 17-19th, 2012 focusing on P2P undercover investigations, Craigslist undercover investigations, Gigatribe investigations, and the psychological profile of a child pornography collector.

June 13-17th Internship with the Citrus County Sheriff's Department regarding E Commerce undercover investigations (Operation Summer Nights).

February 5th - 8th 2013 ICAC eMule P2P investigations.

March 26-28th 2013– Tennessee ICAC state conference in Nashville, TN focusing on Commercial Sexual Exploitation of Children (CSEC).

October 28-31, 2013 Tennessee ICAC state conference in Nashville, Tennessee, focusing on forensic preview tools, ICAC legal updates and virtual machine utilization for computer forensics and undercover investigations.

February 24-26, 2014 – Tennessee ICAC state conference in Nashville, TN, focusing on computer previews, Google Security, and locating wireless devices.

April 15-17, 2014 – 2014 Regional ICAC Law Enforcement Training on Child Exploitation focusing in court testimony, Ares Peer to Peer investigations, National Center for Missing and Exploited Children Law Enforcement Portal, and characteristics of the offender.

September 18-19, 2014 – Westminster, Colorado ICAC BitTorrent Investigations.

April 20-22, 2015 – Brentwood, Tennessee – Tennessee ICAC state conference focusing on online undercover chat investigations, legal updates, and human sex trafficking.

November 11-13, 2015 – Gatlinburg, Tennessee – Tennessee ICAC conference focusing on current chat trends, P2P file sharing investigations, and on scene preview techniques and software.

March 28-30, 2016 – Nashville, Tennessee – Tennessee ICAC conference focusing on legal updates, use of polygraph in conjunction with child pornography cases and online undercover operations.

April 18, 2016 – Atlanta, Georgia – National ICAC Conference focusing on online undercover investigations, interviewing offenders, legal updates, psychology of the internet offender and on scene computer forensic tools.

May 2, 2016 – Knoxville, Tennessee – Federal Bureau of Investigation Legal Training.

October 17-19, 2016 – Chattanooga, Tennessee – Tennessee ICAC State Conference focusing on Legal Updates, Anonymity and Darknet, and IP Version 6.

February 27- February 28, 2017 – Atlanta, Georgia – Darknet Training. Training focused on anonymous Darknet applications for the trafficking of child pornography.

3. As a federal task force officer, your affiant is authorized to investigate violations of the laws of the United States and is a law enforcement officer with the authority to execute warrants issued under the authority of the United States.

4. This affidavit is made in support of an application for a warrant to search the Macbook Air laptop computer belonging to Knox County Schools with inventory tag of TI31801 assigned to Zacharia Albaba and the Samsung Galaxy S22 cellphone belonging to Zacharia Albaba. The computer and cell phone are currently located at the Knoxville Police Department ICAC Task Force offices at 917 E 5th Ave., Knoxville, TN 37915. These items are more particularly described in ATTACHMENT A, a copy of which is attached hereto and incorporated by reference herein.

5. Information contained within the affidavit is based upon information I have gained from my investigation, my personal observations, my training and experience, and/or information related to me by other law enforcement officers and/or agents. Since this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning the investigation. I have set forth only the facts which I believe are necessary to establish probable cause to believe that evidence, fruits, and instrumentalities of the violation of Title 18, United States Code, Sections 2251(a), 2252A(a)(5)(B) and 2422(b) described in ATTACHMENT B, are presently located on the devices described in ATTACHMENT A.

PROBABLE CAUSE

6. This affidavit is submitted in support of the issuance of a warrant authorizing the search of the devices described in ATTACHMENT A, along with the digital files found there, in order to locate and seize the items described in ATTACHMENT B.

7. On September 21, 2022, a Federal Search Warrant was issued for the residential property located at 139 Clear Branch Road, Rocky Top, Tennessee 37769 by the United States District Court, Eastern District of Tennessee [see search warrant affidavit 3:22-MJ-2178 incorporated herein].

8. On September 22, 2022, Zacharia Albaba was arrested in Rocky Top, TN on a state arrest warrant originating in Boyd County Kentucky. Boyd District Court arrest warrant E01010004344685 was issued on 09/21/2022 for Zacharia Albaba for the Procurement of and Promoting Use of Minor in Sexual Activity.

9. At the time of the arrest two items were confiscated from Albaba. A Knox County Schools Macbook Air laptop tag #TI31801 and Albaba's personal Black Samsung Galaxy S22 Ultra Smartphone SN R5CT513QJQX. Albaba agreed to speak with investigators regarding the investigation. Albaba signed a waiver of rights and signed a consent to search for his Samsung Galaxy S22 Ultra Smartphone. Albaba was advised that he could withdraw consent at any point and was given contact information for investigators if he decided to withdraw consent while at the jail.

10. During the interview, Albaba stated that he did communicate and chat with the undercover investigator while he was at school. Albaba stated that there would be images of children on his phone in a "vault". During the interview, Investigator Hedden located an application used to "hide" images. Investigator Hedden was able to view a screen recording of

Albaba encouraging a minor boy to masturbate during an online communication. This indicated that both the school laptop and his smartphone may contain items of evidence. The Knox County Law Department was contacted for consent to search the school laptop. The Knox County Law Department denied consent to search the school laptop citing student privacy and that they would comply with a search warrant.

CONCLUSION

11. Based on the aforementioned information and investigation, your affiant respectfully submits that there is probable cause to believe that the Knox County School Macbook Air laptop computer with tag # TI31801 and the Samsung Galaxy S22 Ultra smartphone currently located at the Knoxville Police Department ICAC Task Force offices at 917 E 5th Ave. Knoxville, TN 37917 have been used for the purpose of attempting to produce images of child pornography in violation of Title 18, United States Code, Section 2251(a), possession of child pornography images in violation of Title 18, United States Code, Section 2252A(a)(5)(B), and the online enticement of minors for sexual purposes in violation of Title 18, United States Code, Section 2422(b).

12. Further, there is probable cause to believe that evidence, fruits, and instrumentalities of this crime, which are listed specifically in Attachment B, which is incorporated herein by reference, are presently located in the premises described in Attachment A. Rule 41 of the Federal Rules of Criminal Procedure authorizes the government to seize and retain evidence and instrumentalities of a crime for a reasonable time and to examine, analyze and test them.

13. I, therefore, respectfully request that the attached warrant be issued authorizing the search and seizure of the items described in Attachment A for the items listed in Attachment B.

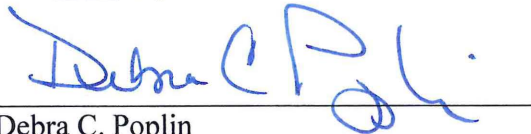
I declare under penalty of perjury that the foregoing is true and correct to the best of my information, knowledge, and belief.



Tom Evans
Investigator
Knoxville Police Department
Internet Crimes Against Children Task Force

Sworn and subscribed before me

This 26th day of October 2022.



Debra C. Poplin
UNITED STATES MAGISTRATE JUDGE